

Appl. No. 10/726,987
Reply to Office action of 04/20/2005

REMARKS

Reconsideration of the above-referenced application in view of the above amendment, and of the following remarks, is respectfully requested.

Claims 1, 3, 5, 7, and 9-25 are pending in this case. Claims 1, 3, 7, 9, 19, 22, and 23 are amended herein and claims 2 and 26-31 are cancelled herein. Claims 4, 6, and 8 stand withdrawn.

The Examiner objected to the specification as not providing antecedent basis for the dielectric layers recited in claims 7 and 10. Claim 7 recites a hafnium aluminum oxide. This is disclosed in the specification on page 7, lines 12-16 where the specification recites "dielectric films include . . . hafnium oxide . . . as well as their silicates and aluminates" Thus, the aluminate of hafnium oxide, i.e., hafnium aluminum oxide, is disclosed. Claim 10 recites a ternary oxide. This is disclosed in the specification in the paragraph on page 7 beginning at line 12 as well as on page 9, lines 9-12 where a nitrogen plasma is discussed to include nitrogen embedded in a "ternary oxide" such as HfSiO . Accordingly, Applicant respectfully request that the objection be withdrawn.

The Examiner objected to claims 2, 3, 7, 9, 19, and 22-25 as being dependent upon a rejected base claim, but that would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 2 is rewritten as amended claim 1 including all the limitations of the base claim (original claim 1) and claim 2. There were no intervening claims. Claim 3 is rewritten in independent form including all the limitations of the base claim (original claim 1). There were no intervening claims. Claim 7 is rewritten in independent form including all the limitations of the base claim (original claim 1). There were no intervening claims. Claim 9 is rewritten in independent form including all the limitations of the base claim (original claim 1). There were no intervening claims. Claim 19 is rewritten in independent form including all the limitations of the base claim (original claim 1). There were no

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intervening claims. Accordingly, Applicant respectfully submits that claims 1, 3, 7, 9, 19, and the claims dependent thereon are allowable.

The Examiner rejected claims 1, 10, 18, and 21 under 35 U.S.C. 102(b) as being anticipated by Delpech et al. (U.S. Patent 6,391,802 B1). Applicant respectfully submits that this rejection is overcome by the amendment to claim 1 discussed above.

The Examiner rejected claims 1, 5, 10, 11, 15-17, 20, and 21 under 35 U.S.C. 102(e) as being anticipated by Bease et al. (WO 2004/021409 A2). Applicant respectfully submits that this rejection is overcome by the amendment to claim 1 discussed above.

The Examiner rejected claims 12-14 under 35 U.S.C. § 103(a) as being obvious over Bease in view of Chambers (U.S. 2004/0127003 A1). Applicant respectfully submits that this rejection is overcome by the amendment to claim 1 discussed above from which claims 12-14 depend.

In light of the above, Applicant respectfully requests withdrawal of the Examiner's rejections and allowance of claims 1, 3, 5, 7, and 9-25. If the Examiner has any questions or other correspondence regarding this application, Applicant requests that the Examiner contact Applicant's attorney at the below listed telephone number and address.

Respectfully submitted,



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